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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,561

03/29/2004

Gabor Devenyi

03W002

1383

7590
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01/05/2009

EXAMINER

JOYCE, WILLIAM C

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,561

Applicant(s)

DEVENYI, GABOR

Examiner

William C. Joyce

Art Unit

3656

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4.5 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-26 is/are allowed.
- 6) ☒ Claim(s) 4.5, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the communication filed October 8, 2008 for the above identified patent application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4, 5, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Neff (DE 198 31 940).

Neff teaches a screw device having a leadscrew follower (3), and a cylindrically shaped leadscrew shell (10), the leadscrew shell having an annular thickness of 1 to 20% the thread diameter. Accordingly, a screw device having a ratio of annular thickness of a shell to the thread diameter of 1% (.01) meets the claim limitation.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over at least one of Ogata (JP 6-264985) or Mizuno (JP 8-129938).

Ogata teaches a screw device having a leadscrew follower (2), and a cylindrically shaped leadscrew shell (5) formed on a leadscrew, the leadscrew shell having an annular thickness of 10 μm .

Ogata does not teach the cylindrical diameter of the screw, however it was known in the art to vary the diameter of the screw in order to have a predetermined operating capacity. For example, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the screw of Ogata with a diameter of 25 mm in order to have a predetermined operating capacity and operating size. Accordingly, a screw having a diameter of 25 mm and an annular shell having a thickness of 10 μm meets the claim ratio of annular thickness to cylindrical diameter in the range of .004 to .01.

Alternatively Mizuno teaches a screw device having a leadscrew follower (5b), and a cylindrically shaped leadscrew shell (8) formed on a leadscrew (5a), the leadscrew shell having an annular thickness of 5 to 13 μm .

Mizuno does not teach the cylindrical diameter of the screw, however it was known in the art to vary the diameter of the screw in order to have a predetermined operating capacity. For example, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to form the screw of Mizuno with a diameter of 25 mm in order to have a predetermined operating capacity and operating size. Accordingly, a screw having a diameter of 25 mm and an annular shell having a thickness of 10 μm meets the claim ratio of annular thickness to cylindrical diameter in the range of .004 to .01.

Note, the limitation "electroless deposited" in claim 18 has been given limited patentable weight because an apparatus claim must define over the prior art in terms of structure and not the method of making the device.

Allowable Subject Matter

5. Claims 21-26 are allowed.

Response to Arguments

6. Applicant's arguments filed October 8, 2008 have been fully considered but they are not persuasive.

Applicant argues Nell is concerned with a leadscrew follower nut and not with a leadscrew shaft. This argument is not commensurate with the scope of the claim. Specifically, claim 17 does not recite a leadscrew shaft. Referring to claim 17, it is understood the leadscrew drive mechanism comprises a leadscrew follower (line 2) and a leadscrew shell (line 3). Accordingly, Nell discloses both a

leadscrew follower and a leadscrew shell. Claim 17 fails to preclude the leadscrew drive mechanism of Nell.

With respect to the rejection based on either Ogata (JP 6-264985) or Mizuno (JP 8-129938), applicant argues the references are not related to a ratio of leadscrew shell thickness to shell diameter. It is acknowledged neither Ogata nor Mizuno disclose the claimed ratio, however it would have been within the skill of one in the art to configure a screw mechanism having the claimed ratio in order to produce a screw device having a predetermined operating capacity and operating size.

The arguments with respect to claims 4, 5, 17, and 20 are not persuasive and the above claim rejections are not withdrawn.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C. Joyce/ 1/3/09
Primary Examiner, Art Unit 3656